

FILED

Attachment A

JUL 30 2020

U.S. DISTRICT COURT-WVND
CLARKSBURG, WV 26301

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DARION GIPSON

Your full name

FEDERAL CIVIL RIGHTS
COMPLAINT
(BIVENS ACTION)

v.

Civil Action No.: 3:20cv 135
(To be assigned by the Clerk of Court)

COWATSON, COBASIER,
LOOTINIENT WESTSTONE
IS, THE HAZELTON
DISPATCH ROOM, Medical

Groh
Trumble
Sims

Enter above the full name of defendant(s) in this action

I. JURISDICTION

This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§ 1331 and 2201.

II. PARTIES

In Item A below, place your full name, inmate number, place of detention, and complete mailing address in the space provided.

A. Name of Plaintiff: Darion Gipson Inmate No.: 455-01044
Address: HAZELTON USP, PO Box 2000
BRUCETON Mills, WV. 26525

In Item B below, place the full name of each defendant, his or her official position, place of employment, and address in the space provided.

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B. Name of Defendant: LOWMYER
Position: CO
Place of Employment: HAZELTON USP
Address: PO BOX 2000
BRUCEYON MILLS WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He assaulted me MARCH 13, 2020

B.1 Name of Defendant: ROSIER
Position: CO
Place of Employment: HAZELTON USP
Address: PO BOX 2000
BRUCEYON MILLS WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He physically assaulted me on MARCH 13, 2020. He punched me in my balls which is my private part.

B.2 Name of Defendant: WEST STONE
Position: 100TINIENT
Place of Employment: HAZELTON USP
Address: PO BOX 2000
BRUCEYON MILLS WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

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If your answer is "YES," briefly explain: He Physically assaulted me MARCH 13, 2020 He punched me in my face, Then He Slam my Head against the shower wall, Then every 2 Hours They did a RESTRAINT CHECK ON ME WHY I WAS IN THERE! They would come in and Beat ON ME, Call me Nigger

B.3 Name of Defendant: S:5
 Position: S:5
 Place of Employment: HAZETON USP
 Address: P.O. Box 2000
BRUCETON MILLS, WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: He UNLAWFULLY got me PLACED IN THE hole SHU FOR AND investigation AND I WAS NEVER SERVED a INSTITUTIONAL Ticket which is a Violation of my BOP policy Due process Right called Program STATEMENT INMATE Discipline

B.4 Name of Defendant: Medical
 Position: Medical
 Place of Employment: HAZETON USP
 Address: P.O. Box 2000
BRUCETON MILLS, WV 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: They DENIED ME medical attention WHEN the staff assaulted me MARCH 13 2020 which is a violation of my eighth amendment

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B.5 Name of Defendant: HAZEITON USP MAIL ROOM
 Position: MAIL ROOM
 Place of Employment: HAZEITON USP
 Address: PO BOX 2000
BRUCETON MILLS, WV. 26525

Was this Defendant acting under the authority or color of federal state law at the time these claims occurred? ☒ Yes ☐ No

If your answer is "YES," briefly explain: They BEEN Playing With MY MAIL IN THE FIRST OF MY I SENT MY GRANDMA ROSE A LETTER NOTIFYING ABOUT THE STAFF MISCONDUCT, WHEN I CALLED HER JUNE 15, 2020 SHE SAID SHE NEVER GOT MY MAIL

III. PLACE OF PRESENT CONFINEMENT

Name of Prison/ Institution: HAZEITON USP

A. Is this where the events concerning your complaint took place?
☒ Yes ☐ No

If you answered "NO," where did the events occur?

B. Is there a prisoner grievance procedure in the institution where the events occurred? ☒ Yes ☐ No

C. Did you file a grievance concerning the facts relating to this complaint in the prisoner grievance procedure?
☒ Yes ☐ No

D. If your answer is "NO," explain why not: _____

E. If your answer is "YES," identify the administrative grievance procedure number(s) in which the claims raised in this complaint were addressed

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and state the result at level one, level two, and level three. **ATTACH GRIEVANCES AND RESPONSES:**

LEVEL 1 _____

LEVEL 2 _____

LEVEL 3 _____

IV. PREVIOUS LAWSUITS AND ADMINISTRATIVE REMEDIES

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action? ☐ Yes ☒ No

B. If your answer is "YES", describe each lawsuit in the space below. If there is more than one lawsuit, describe additional lawsuits using the same format on a separate piece of paper which you should attach and label: "IV PREVIOUS LAWSUITS"

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court: _____
(If federal court, name the district; if state court, name the county)

3. Case Number: _____

4. Basic Claim Made/Issues Raised: _____

5. Name of Judge(s) to whom case was assigned: _____

6. Disposition: _____
(For example, was the case dismissed? Appealed? Pending?)

7. Approximate date of filing lawsuit: _____

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8. Approximate date of disposition. Attach Copies: _____

- C. Did you seek informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part B?
☒ Yes ☐ No

- D. If your answer is "YES," briefly describe how relief was sought and the result. If your answer is "NO," explain why administrative relief was not sought.

I filed and BPR first, They NEVER Responded Back
So I follow up with The BPR, Here is a Copy Right there
and Then I followed up with a BPTEN TO THE
Regional Which They HAVANT Responded yet

- E. Did you exhaust available administrative remedies?
☒ Yes ☐ No

- F. If your answer is "YES," briefly explain the steps taken and attach proof of exhaustion. If your answer is "NO," briefly explain why administrative remedies were not exhausted.

I also filed and preq and here
is a copy of it

- G. If you are requesting to proceed in this action *in forma pauperis* under 28 U.S.C. § 1915, list each civil action or appeal you filed in any court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using the same format on a separate sheet of paper which you should attach and label "G. PREVIOUSLY DISMISSED ACTIONS OR APPEALS"

1. Parties to previous lawsuit:

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Plaintiff(s): _____

Defendant(s): _____

2. Name and location of court and case number:

3. Grounds for dismissal: ☐ frivolous ☐ malicious
☐ failure to state a claim upon which relief may be granted

4. Approximate date of filing lawsuit: _____

5. Approximate date of disposition: _____

V. STATEMENT OF CLAIM

State here, as **BRIEFLY** as possible, the facts of your case. Describe what each defendant did to violate your constitutional rights. **You must include allegations of specific wrongful conduct as to EACH and EVERY defendant in the complaint.** Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, you must number and set forth each claim in a separate paragraph. **UNRELATED CLAIMS MUST BE RAISED IN SEPARATE COMPLAINTS WITH ADDITIONAL FILING FEES. NO MORE THAN FIVE (5) TYPED OR TEN (10) NEATLY PRINTED PAGES MAY BE ATTACHED TO THIS COMPLAINT. (LR PL 3.4.4)**

CLAIM 1: ON MARCH 13, 2020 COWATSON WAS
MAKING HIS ROUND RIGHT BEFORE LUNCH, WHILE HE
WAS FINISHING HIS ROUND HE JUST STOPS AT MY
CELL AND GOT TO UNLAWFULLY SPRAYING HOT MASE
IN MY CELL, HE JUST GOT TO YELLING AT US,

Supporting Facts: ME AND MY OLD CELLY TIMMIE WENSELLE

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We was a sleep at The Time so we wake
up, CO WATSON WAS LIKE quit BRAKEING
OUT THE LIGHT YOU NIGGER PORCH MONKUS
THIS IS HAZELTON and we'll kill you down here

CLAIM 2: _____

Supporting Facts: _____

CLAIM 3: _____

Supporting Facts: _____

CLAIM 4: _____

Supporting Facts: _____

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And while He was yelling This on candy camera. ON THIS DATE 3-13-2020 HE KEPT spraying OTC Mase gas in our cell sit so then HE radioed For Back up, 2 OUTINIENT WESTSTONE CO ROSIER came, 1 OUTINIENT WESTSTONE was like COME CLIFF UP SO I GO TO CLIFF UP & I PUT MY HANDS IN THE SHU SLOT BEHIND MY BACK, 2 OUTINIENT WESTSTONE was like quit resisting & Then he shot me in my BUTTOX'S WITH AN GUN THAT SHOTS MASE BALL'S SO AFTER THEY ABUSE THERE AUTHORITY AGAINST US FOR ABOUT 5 OR 7 MINUTE'S THEY TOOK US OUT THE CELL INTO THE SHOWER ON TANGEL TO WASH OUT THE MASE OUT MY EYES, LT WESTSTONE PUNCH ME IN MY FACE A COUPLE OF TIME, THEN HE SLAMED MY HEAD AGAINST THE SHOWER SAYING THAT THEY WERE GOING TO KILL ME IF I TAKE ANOTHER LIGHT, CO WATSON ALSO PUNCH ME 4 TIME'S IN THE BACK OF MY HEAD, I HAVE WITNESSES WHO WITNESS THEM DO THIS STUFF-TO-ME, ONE OF THEM NAME IS TIMMIE WENSELLE WHICH WAS MY CELLY AT THE TIME & THE SECOND ONE NAME IS JOEVELL RICE # 60724-060. SO BACK TO WHAT I WAS SAYING SO THEY DRESSED US OUT & PUT US IN THE RESTRAINT CELL IN MEADOW CHAINS, THEY CLIFF ME TO THE BED SIT, THEN EVERY 2 HOURS WHEN THEY DID A RESTRAINT CHECK LT WESTSTONE WOULD PUNCH ME REPEATLY IN MY FACE, CO ROSIER ALSO PUNCH ME IN MY PRIVATE PART I YELLED FOR DEAR LIFE MR. WENSELLE, MR. RICE # 60724-060 ALSO WITNESSED THIS BECAUSE I WAS IN CELL 102 WHEN THIS TOOK PLACE MR. WENSELLE

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Them about this I'm swearing sis for violating my BOP
 policy due process right's because they unlawfully
 Had me back here in the shu for 8 month's with no
 ticket, then sis they unlawfully referred me for
 AUSA prosecution for a 101 Assault which is illegal &
 a violation of my due process right's because the
 prison never charge me with ~~an~~ 101 INSTITUTION
 ASSAULT like they should have do to policy in order
 for this AUSA prosecution to be valid, sis or DHO
 was suppose to serve me a lock up order or a shot
 with in 24 hr's & BOP policy program statement
 code 5270.09 CONFIRMS this moment of truth sis, I
 have past diagnoses of ADHD, Bipolar Disorder, ~~Intermittent~~
 Explosive Disorder, Borderline Intellectual Functioning,
 Depression These are just some of my diagnoses, I take
 medication for Antisocial personality Disorder, Other
 Specified Depressive, Being back here unlawfully
 causing me mental stress & trauma, just to back
 this moment of truth up, I got along paper trail
 of suicide attempts on my record sis, the BOP can
 confirm this my mental health doctor name Ms.
 Crouch can confirm this to you guys, they also
 don't charge are uniforms but every once's
 a month or sometime's month & a half sis,
 they don't sale us soap or commassary which
 is a violation of BOP policy sis & they only give us
 3 balls of soap a week which each balls of soap is
 only enough for one shower sis, then they don't even
 give us enough chemicle's to clean are cell's with
 which this is unsanitary sis & we got this

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COLVIC 19- vitis going on. which this is cruel and
 unusele punishment, pain? suffering and which
 this is a violation of my UNITED STATES CONSTITUTION
 FIFTH amendment UNITED STATES CONSTITUTION
 Right. - AND I'm sueing medical for denieing me
 medical attention sit, Because I got Bruises
 on my Body From the STAFF sit, I ask RN NURSE
 J. Gillespie if I can get a sick call, she ASK For what
 I told her cause STAFF ASSULTED me. she told me
 there NOT gonna do it For THAT sit, so This is
 a violation of my eighth amendment Right Because
 it is my eighth amendment Right to recieve the
 proper medical care and on the First week of May
 2020 I sent a letter to notify my grandma rose
 about this UNLAWFUL STUFF, I told her to get a
 alawyer in the letter, when I called her on
 JUNE 15 2020 and ask her did she get my
 mail, she said she never got my mail, so if?
 when a person plays with someone's mail that's
 a Federal crime, yall can replay my phone call
 with her For a moment of truth, they also
 played wit my Friend's Joemell Rice-060, Jayson
 MITCHELL-060 & ANTHON Prince mail All of them
 are my WITNESS about this sit

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CLAIM 5:

Supporting Facts:

VI. INJURY

Describe **BRIEFLY** and **SPECIFICALLY** how you have been injured and the exact nature of your damages.

I HAVE BEEN PHYSICALLY ASSAULTED, I'VE UNLAWFULLY BEEN IN THE SHU FOR 8 MONTHS, THIS IS CRUEL, UNNECESSARY PAIN, SUFFERING WHICH IS A VIOLATION OF MY FIFTH AMENDMENT RIGHT SO I'M SUEING FOR 25 MILLION DOLLARS

VII. RELIEF

State **BRIEFLY** and **EXACTLY** what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

I WOULD LIKE TO BE GRANTED 25 MILLION DOLLARS BUT IF YOU GUYS DONT WANT TO GO TO TRIAL I WILL SETTLE FOR 6 MILLION DOLLARS SIR, HAVE THEM TRANSFER ME TO MEDICAL JAIL FOR MY MENTAL HEALTH ISSUES CAN BE TREATED PROPERLY

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DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and accurate. Title 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at SHU- on _____
(Location) (Date)

Barton Gibson
Your Signature